

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERRY L. GORISEK,

Defendant.

8:16CR266

ORDER

Defendant Jerry L. Gorisek (Gorisek), appeared before the court on September 9, 2016, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 73). Gorisek was represented by Assistant Federal Public Defender Kelly M. Steenbock and the United States was represented by Assistant U.S. Attorney Susan T. Lehr. Through his counsel, Gorisek waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find the Petition alleges probable cause and Gorisek should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Gorisek presented no evidence but requested release conditions pending his dispositional hearing. Since it is Gorisek's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence he is neither a flight risk nor a danger to the community, the court finds Gorisek has failed to carry his burden and Gorisek should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 9:00 a.m. on November 2, 2016. Defendant must be present in person.

2. Defendant Jerry L. Gorisek is committed to the custody of the Attorney General or her designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 9th day of September, 2016

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge